

1 TITLE IV - SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT

2

3 SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES

4 SEC. 401. Title IV of the ESEA is amended to read as
5 follows:

6 "TITLE IV - SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

7

8 "SHORT TITLE

9 "SEC. 4001. SHORT TITLE. This title may be cited as
10 the 'Safe and Drug-Free Schools and Communities Act.'

11

12 "FINDINGS

13 "SEC. 4002. FINDINGS. The Congress finds that:

14 "(1) Safe and Drug-Free Schools and Communities
15 Programs support achievement of Goal One of the National
16 Drug Control Strategy - to educate and enable America's
17 youth to reject illegal drugs, as well as alcohol and
18 tobacco - and Goal Seven of America's Education Goals -
19 that every school in the United States will be free of
20 drugs, violence, and the unauthorized presence of firearms
21 and alcohol.

22 "(2) It is essential for schools to provide a
23 drug-free, safe, and orderly learning environment for all
24 students, if all students are to live healthy lives and

1 achieve to high academic standards.

2 "(3) Student drug use and school violence are
3 serious educational and public health concerns.

4 "(4) Safe and Drug-Free Schools and Communities
5 programs are most likely to be effective when they are
6 based on a thorough assessment of objective data about the
7 drug and violence problems in schools and communities, are
8 designed to meet measurable goals and objectives, are based
9 on sound research or evaluation findings, and are evaluated
10 regularly and held accountable for results.

11 "(5) Safe and Drug-Free S chools and Communities
12 program resources should be targeted at the local level to
13 projects in areas that demonstrate need for the funds, have
14 developed the best strategic plans for using the funds, and
15 are committed to being accountable for results.

16 "(6) Lifelong physical activity contributes to
17 students' well-being and, consistent with the second of
18 America's Education Goals, it is appropriate for the
19 Federal government to help strengthen State and local
20 efforts in this area.

21

22 "PURPOSE

23 "SEC. 4003. DECLARATION OF PURPOSE. The purpose of
24 this title is to support programs for creating and

1 maintaining drug-free, safe, and orderly environments for
2 learning in and around schools, by awarding Federal
3 financial assistance to—
4 "(1) State educational agencies for competitive
5 awards to local educational agencies with a demonstrated
6 need for services and the highest quality proposed
7 programming;
8 "(2) Governors for competitive awards to local
9 educational agencies, as well as community-based
10 organizations and other public entities and nonprofit
11 organizations, for programs that complement and support
12 local educational agency programs;
13 "(3) State educational agencies and Governors
14 for capacity-building, and technical assistance and
15 accountability services and activities to improve the
16 effectiveness of, and institutionalize, State and local
17 Safe and Drug-Free Schools and Communities programs; and
18 "(4) Public and private organizations, and
19 individuals, for training programs, demonstrations,
20 evaluations, research projects, direct services, and
21 technical assistance to schools and school systems,
22 developing and disseminating materials and information,
23 drug and violence prevention programs at the postsecondary

1 level, and other activities related to the purposes of this
2 title.

3 "AUTHORIZATION OF APPROPRIATIONS

4 "SEC. 4004. AUTHORIZATION. There are authorized to
5 be appropriated--

6 "(1) such sums as may be necessary for fiscal
7 year 2001 and each of the four succeeding fiscal years to
8 carry out part A;

9 "(2) such sums as may be necessary for fiscal
10 year 2001 and each of the four succeeding fiscal years to
11 carry out part B; and

12 "(3) such sums as may be necessary for fiscal
13 year 2001 and each of the four succeeding fiscal years to
14 carry out part C.

PART A - STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"RESERVATIONS AND ALLOTMENTS

"SEC. 4111. (a) RESERVATIONS.-(1) From the amount made available under section 4004(1) to carry out this part for each fiscal year, the Secretary-

"(A) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

"(B) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs for Indian youth;

"(C) shall reserve 0.2 percent of such amount for programs for Native Hawaiians; and

"(D) may reserve not more than \$2,000,000
for evaluation activities required by section 4117(a).

"(2)(A)(i) Funds reserved under paragraph (1)(A) may not be consolidated under the provisions of title V of Pub. L. 95-134.

"(ii) The Governor of Guam, America Samoa, the Virgin Islands, or the Commonwealth of the

1 Northern Mariana Islands may direct the Secretary to
2 consolidate the Governor's share of funds under this part
3 with the State educational agency's share and award the
4 consolidated amount to the State educational agency for
5 administration in accordance with the requirements of this
6 part applicable to State educational agencies.

7 "(iii) Funds reserved under paragraph
8 (1)(A) shall be used to carry out programs and activities
9 that—

10 "(I) are authorized by this part
11 and are implemented in a manner that is consistent with the
12 program requirements under section 4114; and

13 "(II) are subject to the
14 application requirements under section 4112(a).

15 "(B) Funds reserved under paragraph (1)(B)
16 shall be used to carry out programs and activities
17 authorized by this part that meet the needs of Native
18 American youth and that are implemented in a manner that is
19 consistent with the program requirements under section
20 4114.

21 "(C)(i) Funds reserved under paragraph
22 (1)(C) shall be used by the Secretary to award grants or
23 contracts to organizations primarily serving or
24 representing Native Hawaiians to carry out programs and

1 activities authorized by this part that meet the needs of
2 Native Hawaiian youth and that are implemented in a manner
3 that is consistent with the program requirements under
4 section 4114.

5 "(ii) Recipients of funds reserved
6 under paragraph (1)(C) shall coordinate their programs and
7 activities with programs and activities under this part
8 carried out by the State educational agency of Hawaii.

9 "(iii) For the purposes of this section,
10 the term 'Native Hawaiian' has the same meaning as the term
11 is provided in section 9212 of the Elementary and Secondary
12 Education Act of 1965.

13 "(b) STATE ALLOTMENTS. -(1) Except as provided in
14 paragraph (2), the Secretary shall, for each fiscal year,
15 allocate among the States--

16 "(A) one-half of the remainder not reserved
17 under subsection (a) according to the ratio between the
18 school-aged population of each State and the school-aged
19 population of all the States; and

20 "(B) one-half of such remainder according
21 to the ratio between the amount each State received under
22 section 1122 of part A of title I of the Act for the
23 preceding year and the sum of such amounts received by all
24 the States.

1 "(2) MINIMUM. For any fiscal year, no State
2 shall be allotted under this subsection an amount that is
3 less than one-half of one percent of the total amount
4 allotted to all the States under this subsection.

5 "(3) REALLOTMENT. The Secretary may reallocate
6 any amount of any allotment to a State if the Secretary
7 determines that the State will be unable to use such amount
8 within two years of such allotment. Such reallocations shall
9 be made on the same basis as allotments are made under
10 paragraph (1).

11 "(4) DEFINITIONS. For the purposes of this
12 part—

13 "(A) the term 'State' means each of the 50
14 States, the District of Columbia, and the Commonwealth of
15 Puerto Rico; and

16 "(B) the term 'local educational agency'
17 includes educational service agencies and consortia of such
18 agencies.

19

20 "STATE APPLICATIONS

21 "SEC. 4112. (a) STATE APPLICATION. In order to
22 receive an allotment under section 4111(b) for any fiscal
23 year, a State shall submit to the Secretary, at such time

1 and in such manner as the Secretary may require, a 5-year
2 application that—

3 "(1) is submitted jointly by the Governor and
4 the State educational agency of the State;

5 "(2) contains a description of how funds under
6 this part will be coordinated with other programs under
7 this Act and with other Federal education and drug
8 prevention programs;

9 "(3) contains a comprehensive plan for the use
10 of funds by the State educational agency and the Governor
11 to provide safe, orderly, and drug-free school environments
12 that includes—

13 "(A) the results of the State's needs
14 assessment for drug and violence-prevention programs, which
15 shall be based on the results of ongoing State evaluation
16 activities and include data on the prevalence of drug use
17 and violence by youth in schools and communities in the
18 State;

19 "(B) a list of the State's results-based
20 performance measures for drug and violence prevention,
21 which shall—

22 "(i) be focused on student behavior
23 and attitudes and derived from the needs assessment;

24 "(ii) be selected from a core set of

1 indicators that the Secretary shall develop in consultation
2 with State and local officials;
3 "(iii) include targets and due dates
4 for the attainment of these indicators;
5 "(iv) include a description of the
6 procedures the State will use to inform local educational
7 agencies of the State's results-based performance measures
8 for drug and violence prevention for assessing and publicly
9 reporting progress toward meeting these indicators, or
10 revising them as needed; and
11 "(v) include a description of how the
12 procedures described in subparagraph (C) and subparagraph
13 (D) will support the achievement of the State's results-
14 based performance measures;
15 "(C) a description of the procedures the
16 State educational agency will use for reviewing
17 applications and awarding funds to local educational
18 agencies on a competitive basis under section 4113(c),
19 including--
20 "(i) the objective criteria the State
21 educational agency will use for determining which local
22 educational agencies are eligible to compete for these
23 funds;
24 "(ii) the criteria the State

1 educational agency will use to assess the relative quality
2 of applications and demonstrated need for funding by these
3 local educational agencies;
4 "(iii) the peer review process the
5 State educational agency will use to review applications;
6 "(iv) how the State educational agency
7 will ensure that the geographical distribution of awards
8 reflects the diversity of local educational agencies in the
9 State; and
10 "(v) how the State educational agency
11 and the Governor will coordinate these programs;
12 "(D) a description of the procedures,
13 including objective criteria, the State educational agency
14 will use for reviewing any applications and awarding any
15 funds to local educational agencies on a non-competitive
16 basis under section 4113(c)(3);
17 "(E) a description of the procedures the
18 Governor will use to award funds to eligible applicants on
19 a competitive basis consistent with section 4115(c),
20 including--
21 "(i) the criteria the Governor will
22 use to assess the relative quality of applications and
23 demonstrated need for funding of eligible applicants;
24 "(ii) the peer review process the

1 Governor will use to review applications ;

2 "(iii) how those funds will be used

3 for community resources and activities that support local

4 educational agency programs to create drug-free, safe, and

5 disciplined learning environments in, and passageways to

6 and from schools; and

7 "(iv) how the Governor will ensure

8 that the geographic distribution of awards reflects the

9 diversity of local educational agencies in the State;

10 "(F) a description of how the State

11 educational agency and Governor will use the funds reserved

12 under sections 4113(b) and 4115(b) for coordinated

13 capacity-building and technical assistance and program

14 accountability services and activities at the State and

15 local levels, including how the State educational agency

16 and Governor will coordinate their activities with law

17 enforcement, health, mental health, and education programs

18 and officials at the State and local levels;

19 "(G) a description of how the State

20 educational agency and the Governor will monitor local

21 programs; and

22 "(H) a description of how the State

23 educational agency will ensure that local educational

1 agencies not receiving funds under this part will be
2 provided technical assistance to improve their programs;
3 "(4) contains assurances that the application
4 was developed in consultation and coordination with
5 appropriate State officials, including the head of the
6 State alcohol and drug abuse agency, the heads of the State
7 health and mental health agencies, the head of the State
8 criminal justice planning agency, the head of the State
9 child welfare agency, the head of the State board of
10 education, or their designees, and representatives of
11 parents, students, and community-based organizations; and

12 "(5) contains assurance that the State will
13 cooperate with, and assist, the Secretary in conducting the
14 national impact evaluation of programs required by section
15 4117(a).

16 "(b) PEER REVIEW. The Secretary shall use a peer
17 review process in reviewing State applications under this
18 section.

19

20 "STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

21 "SEC. 4113. (a) ALLOCATION OF FUNDS. In each fiscal
22 year, 80 percent of the total amount allocated to the State
23 under section 4111(b) shall be used by the State
24 educational agency and local educational agencies in the

1 State to carry out programs and activities in accordance
2 with this section that are designed to create and maintain
3 drug-free, safe, and orderly environments for learning in
4 and around schools in the State.

5 "(b) STATE LEVEL ACTIVITIES. -(1) A State educational
6 agency shall reserve not more than 20 percent of the amount
7 described in subsection (a) for State-level activities
8 described in paragraphs (2) and (4).

9 "(2) A State educational agency may use not more
10 than 5 percent of the amount described in subsection (a)
11 for the costs of carrying out its administrative
12 responsibilities under this part.

13 "(3) The State educational agency shall reserve
14 the remainder of the amount described in paragraph (1)
15 after application of paragraph (2), but not less than 10
16 percent of the amount described in subsection (a), for
17 State-level activities described in paragraph (4).

18 "(4)(A) The State educational agency and the
19 Governor shall jointly use the amounts reserved under
20 paragraph (3) and section 4115(b)(3) to plan, develop, and
21 implement capacity building, technical assistance, and
22 accountability services that are designed to support the
23 effective implementation of local drug and violence

1 prevention activities throughout the State and promote
2 program accountability and improvement.

3 "(B)(i) The State educational agency and
4 Governor may carry out the services and activities
5 described in subparagraph (A) directly, or through
6 subgrants or contracts with public and private
7 organizations, as well as individuals.

8 "(ii) Except as provided under clause
9 (iii), the State educational agency and Governor shall, to
10 the extent practicable, use funds under this paragraph to
11 provide capacity building and technical assistance and
12 accountability services and activities to all local
13 educational agencies in the State, including those that do
14 not receive funds under this part.

15 "(iii) The State educational agency
16 and the Governor may use fund under this paragraph to
17 provide emergency intervention services to schools and
18 communities following a traumatic crisis, such as a
19 shooting, major accident, or drug-related incident that has
20 disrupted the learning environment.

21 "(C) For the purpose of this paragraph—

22 "(i) 'capacity building' means

1 activities to improve the knowledge, skills, and expertise
2 of State and local program staff needed to plan, implement,
3 and improve effective research-based programs; and
4 "(ii) 'technical assistance and
5 accountability services' means activities designed to
6 improve State and local programs and activities under this
7 part, including dissemination of information and curricula,
8 program evaluation, demonstration programs, peer review of
9 local educational agency applications, and evaluation
10 assistance, such as collecting, monitoring, and reporting
11 program indicator data.

12 "(c) LOCAL-LEVEL ACTIVITIES. -(1) A State educational
13 agency shall use not less than 80 percent of the amount
14 described in subsection (a) for local-level activities
15 described in paragraphs (2) and (3).

16 "(2)(A) A State educational agency shall use at
17 least 70 percent of the amount described in subsection (a)
18 to make competitive subgrants, consistent with subparagraph
19 (C)(i), to local educational agencies (or consortia of
20 local educational agencies) that the State educational
21 agency determines, based on objective data, need assistance
22 under this part.

1 "(B) In determining which local educational
2 agencies (or consortia) need assistance under this part,
3 the State educational agency may consider such factors as--
4 "(i) high rates of alcohol, tobacco,
5 or drug use among youth;
6 "(ii) high rates of victimization of
7 youth by violence and crime;
8 "(iii) high rates of arrest and
9 adjudication of youth for violent or drug- or alcohol-
10 related delinquency;
11 "(iv) high rates of bullying, hate-
12 related incidents, racial harassment, sexual harassment, or
13 sexual abuse;
14 "(v) high rates of referrals of youths
15 to drug and alcohol abuse treatment and rehabilitation
16 programs;
17 "(vi) high rates of referrals of
18 youths to juvenile court;
19 "(vii) high rates of expulsions and
20 suspensions of students from schools;
21 "(viii) high rates of reported cases
22 of child abuse and domestic violence;
23 "(ix) the extent of illegal gang
24 activity;

1 "(x) local fiscal capacity to fund
2 such programs without Federal assistance;
3 "(xi) the incidence of drug
4 paraphernalia in schools;
5 "(xii) high rates of drug-related
6 emergencies or deaths; and
7 "(xiii) high rates of drug
8 distribution or sales on, or around, school grounds.
9 "(C)(i) The State educational agency shall
10 base the competition it conducts under subparagraph (A) on
11 the quality of the applicant's proposed program and how
12 closely it is aligned with the principles of effectiveness
13 described in clause (ii).
14 "(ii) For the purpose of this
15 subsection, the State educational agency shall use the
16 following principles of effectiveness:
17 "(I) The applicant's program is
18 based on a thorough assessment of objective data about the
19 drug and violence problems in the schools and communities
20 to be served.
21 "(II) The applicant has
22 established a set of measurable goals and objectives aimed
23 at ensuring that all schools served by the local
24 educational agency have a drug-free, safe, and orderly

1 learning environment, and has designed its programs to meet
2 those goals and objectives.

3 "(III) The applicant has designed
4 and will implement its programs for youth based on research
5 or evaluation that provides evidence that the program to be
6 used will prevent or reduce drug use, violence,
7 delinquency, or disruptive behavior among youth.

8 "(IV) The applicant will evaluate
9 its program periodically to assess its progress toward
10 achieving its goals and objectives, and will use evaluation
11 results to refine, improve, and strengthen its program, and
12 refine its goals and objectives, as needed.

13 "(D) A State educational agency may make
14 subgrants under this paragraph to not more than 50 percent
15 of the local educational agencies in the State, unless the
16 State demonstrates in its application under section 4112
17 that the State educational agency can make subgrants to
18 more than 50 percent of the local educational agencies in
19 the State and still comply with subparagraph (E).

20 "(E) Subgrants under this paragraph shall
21 be of sufficient size to support high-quality, effective
22 programs and activities that are designed to create safe,
23 disciplined, and drug-free learning environments in schools
24 and that are consistent with the needs, goals, and

1 objectives identified in the State's plan under section
2 4112.

3 "(3)(A) A State educational agency may use not
4 more than 10 percent of the amount described in subsection
5 (a) to make non-competitive subgrants to local educational
6 agencies (or consortia of local educational agencies) with
7 the greatest need for assistance as described in paragraph
8 (2)(B) that did not receive a subgrant under subparagraph
9 (2)(A). A local educational agency may not receive more
10 than one subgrant under this paragraph.

11 "(B) A State educational agency shall not
12 make a subgrant to a local educational agency under this
13 paragraph unless it—

14 "(i) assists the local educational
15 agency in meeting the information requirements under
16 section 4116(a) pertaining to local educational agency
17 needs assessment, results-based performance measures,
18 comprehensive safe and drug-free schools plan, evaluation
19 plan, and assurances; and

20 "(ii) provides continuing technical
21 assistance to the local educational agency to build its
22 capacity to develop and implement high-quality, effective
23 programs consistent with the principles of effectiveness in
24 subsection (c)(2)(C)(ii).

1 "(d) PROJECT PERIODS AND REALLOCATION. -(1)(A)
2 Subgrants under subsection (c) shall be for project periods
3 not to exceed three years.
4 "(B) In order to receive funds under this
5 section for the second or third year of the project, a
6 local educational agency shall demonstrate to the
7 satisfaction of the State educational agency that the local
8 educational agency's project is making reasonable progress
9 toward its performance measures under section
10 4116(a)(3)(C).
11 "(2) A State educational agency may require
12 local educational agencies to return funds awarded to them
13 under this section that they have not expended within one
14 year of the date of the subgrant, and may award such
15 recovered funds to other local educational agencies with
16 the greatest need for them—
17 "(A) through a new competition;
18 "(B) by funding high-quality applications
19 that were not funded in a previous competition; or
20 "(C) by making supplemental awards to
21 current subgrant recipients.

1 "LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

2 "SEC. 4114. (a) PRINCIPLES OF EFFECTIVENESS. Each

3 local educational agency that receives a subgrant under

4 section 4113(c) shall use those funds to support research-

5 based, drug- and violence-prevention services and

6 activities that are consistent with the principles of

7 effectiveness described in section 4113(c)(2)(C)(ii).

8 "(b) OTHER AUTHORIZED ACTIVITIES. -(1) Each local

9 educational agency that receives a subgrant under section

10 4113(c) may also use those funds to carry out, in a manner

11 that is consistent with the most recent relevant research,

12 other services and activities that are consistent with the

13 purposes of this title, such as-

14 "(A) staff training and development;

15 "(B) parental involvement and training;

16 "(C) community involvement activities;

17 "(D) law enforcement and security

18 activities that are related to school safety and drug use;

19 "(E) creating and maintaining safe zones of

20 passage to and from school to prevent violence and drug

21 trafficking;

22 "(F) counseling, mentoring, and referral

23 services, and other student assistance programs;

24 "(G) before- and after-school programs;

1 "(H) alternative education programs for
2 those students who have been expelled from their regular
3 education programs;
4 "(I) programs to assist students to reenter
5 the regular education program upon return from treatment or
6 alternative education settings;
7 "(J) services and activities that reduce
8 the need for suspension and expulsion in maintaining
9 classroom order and school discipline;
10 "(K) services and activities to prevent and
11 reduce truancy;
12 "(L) teaching students about the risks and
13 consequences associated with handling firearms and that
14 enables them to make safe choices and avoid injuries to
15 themselves and others; and
16 "(M) activities designed to prevent hate
17 crimes.
18 "(2) A local educational agency may not use more
19 than 20 percent of its subgrant for the acquisition or use
20 of metal detectors and security personnel unless it
21 demonstrates in its application under section 4116 to the
22 satisfaction of the State educational agency that it has a
23 compelling need to do so.

1 "GOVERNOR'S PROGRAMS

2 "SEC. 4115. (a) ALLOCATION OF FUNDS. In each fiscal
3 year, 20 percent of the total amount allocated to the State
4 under section 4111(b) shall be used by the Governor to
5 support community efforts that directly complement the
6 efforts of local educational agencies to foster drug-free,
7 safe, and orderly learning environments in and around
8 schools.

9 "(b) STATE-LEVEL ACTIVITIES. -(1) A Governor shall
10 reserve not more than 20 percent of the amount described in
11 subsection (a) for State-level activities described in
12 paragraph (2) and section 4113(b)(4).

13 "(2) A Governor may use not more than 5 percent
14 of the amount described in subsection (a) for costs, direct
15 or indirect, of carrying out the Governor's administrative
16 responsibilities under this part.

17 "(3) The Governor shall reserve the remainder of
18 the amount described in paragraph (1), after application of
19 paragraph (2), but not less than 10 percent of the amount
20 described in subsection (a), for State-level activities
21 that are administered jointly with the State educational
22 agency, as described in section 4113(b)(4).

23 "(c) LOCAL-LEVEL ACTIVITIES. -(1)(A) A Governor
24 shall use not less than 80 percent of the amount described

1 in subsection (a) to make competitive subgrants to, or
2 contracts with, community-based organizations, local
3 educational agencies, and other public entities and private
4 non-profit organizations, or consortia thereof, to support
5 community efforts that directly complement the efforts of
6 local educational agencies to foster drug-free, safe, and
7 orderly learning environments in and around schools.

8 "(B) To be eligible for a subgrant under
9 this subsection, an applicant (other than a local
10 educational agency applying on its own behalf) shall
11 include in its application its written agreement with one
12 or more local educational agencies, or one or more schools
13 within a local educational agency, to provide services and
14 activities in support of such local educational agencies or
15 schools, as well as an explanation of how those services
16 and activities will complement or support the local
17 educational agencies' or schools' efforts to provide a
18 drug-free, safe, and orderly school environment.

19 "(C) The Governor shall base the
20 competition conducted under subparagraph (A)–

21 "(i) on the quality of the applicant's
22 proposed program and how closely it is aligned with the
23 principles of effectiveness described in section
24 4113(c)(2)(C)(ii); and

1 "(ii) on the needs of the schools or
2 local educational agencies to be served, based on the
3 objective criteria determined by the Governor.

4 "(D) Subgrants under this subsection may
5 support community efforts on a Statewide, regional, or
6 local basis and may support the efforts of local
7 educational agencies and schools that do not receive funds
8 under this part.

9 "(2)(A) Each recipient of a subgrant under this
10 subsection shall use those funds to support research-based
11 services and activities that are consistent with the
12 principles of effectiveness described in section
13 4113(c)(2)(C)(ii).

14 "(B) Each recipient of a subgrant under
15 this subsection may also use those funds to carry out, in a
16 manner that is consistent with the most recent relevant
17 research, other services and activities that are consistent
18 with the purposes of this title, such as—

19 "(i) counseling and mentoring
20 services;

21 "(ii) the support of school resource
22 officers, and other partnerships with law enforcement;

23 "(iii) after-school programs;

1 "(iv) activities designed to prevent
2 hate crimes; and
3 "(v) alternative education programs
4 for students removed from their regular educational
5 programs.

6
7 "LOCAL APPLICATIONS

8 "SEC. 4116. APPLICATION CONTENTS .-(a)(1) Applicants
9 for subgrants under section 4113(c)(2), section 4113(c)(3),
10 and section 4115(c) shall submit an application at such
11 time and including such information as the State
12 educational agency or the Governor, as applicable,
13 requires, consistent with paragraph (3).

14 "(2)(A) Applications from local educational
15 agencies for subgrants under section 4113(c)(2), section
16 4113(c)(3), and section 4115(c) shall be developed in
17 consultation with a local or regional advisory council that
18 includes, to the extent possible, representatives of local
19 government, business, parents, students, teachers, pupil
20 services personnel, mental health service providers,
21 appropriate State agencies, private schools, law
22 enforcement, community-based organizations, and other
23 groups interested in, and knowledgeable about, drug and
24 violence prevention.

1 "(B) Applications from entities other than
2 local educational agencies for subgrants under section
3 4115(c) shall be developed in consultation with the schools
4 or local educational agencies to be served and, to the
5 extent practicable, with the representatives described in
6 subparagraph (A).

7 "(3) Each application for a subgrant described
8 in subsection (a) shall contain--

9 "(A) the results of the applicant's needs
10 assessment concerning the creation and maintenance of a
11 drug-free, safe, and orderly school environment and include
12 data on the prevalence of drug use and violence by youth in
13 the schools and communities to be served;

14 "(B) a description of how the applicant
15 will target services and activities on the communities,
16 schools, and students with the greatest need for assistance
17 in creating and maintaining drug-free, safe, and orderly
18 learning environments;

19 "(C) the applicant's results-based
20 performance measures for creating and maintaining a drug-
21 free, safe, and orderly learning environment, which shall
22 be focused on student behavior and attitudes, and include
23 annual targets for each performance measure;

1 "(D) a description of the procedures the
2 applicant will use to assess and publicly report progress
3 toward meeting its performance indicators;

4 "(E) a description of how—

5 "(i) the applicant will use the funds
6 to be awarded and how the activities it will support with
7 those funds address the needs identified under subparagraph
8 (A) and the performance measures identified in subparagraph
9 (C); and

10 "(ii) if the applicant is a local
11 educational agency, how those activities are consistent
12 with the Safe and Drug-Free Schools plan under paragraph
13 (4)(F) or another existing school plan related to safe,
14 disciplined, and drug-free environments;

15 "(F) a description of how the applicant
16 will coordinate its activities with local, State, and
17 Federal law enforcement, health, mental health, and
18 education officials;

19 "(G) a description of how the applicant
20 will coordinate its activities under this part with those
21 implemented under the Drug-Free Communities Act, if any;

22 "(H) a description of the applicant's plan
23 for evaluating its project; and

24 "(I) any other information the State

1 educational agency or Governor, as applicable, may require
2 to review applications, and award subgrants, based on the
3 applicant's need for assistance and the quality of the
4 application.

5 "(4) Each applicant for a subgrant under section
6 4113(c)(2) or 4113(c)(3) shall also include in its
7 application an assurance that it--

8 "(A) has a policy, consistent with State
9 law and the Gun-Free Schools Act, that requires the
10 expulsion of students who possess a firearm at school;

11 "(B) has, or will have, a full-or part-time
12 program coordinator whose primary responsibility is
13 planning, designing, implementing, and evaluating the
14 applicant's programs (unless the applicant demonstrates in
15 its application, to the satisfaction of the State
16 educational agency, that such a program coordinator is not
17 needed);

18 "(C) will evaluate its program every two
19 years to assess its progress toward meeting its goals and
20 objectives, and will use the results of its evaluation to
21 improve its program and refine its goals and objectives, as
22 needed; and

1 "(D) has, or the schools to be served have,
2 a comprehensive Safe and Drug-Free Schools plan that
3 includes—
4 "(i) appropriate and effective
5 discipline policies that prohibit disorderly conduct, the
6 possession of firearms and other weapons, and the illegal
7 use, possession, distribution, and sale of tobacco,
8 alcohol, and other drugs by students, and that mandate
9 predetermined consequences, sanctions, or interventions for
10 specific offenses;
11 "(ii) security procedures at school and
12 while students are on the way to and from school, which may
13 include the use of metal detectors and the development and
14 implementation of formal agreements with law enforcement
15 officials;
16 "(iii) early intervention and
17 prevention activities of demonstrated effectiveness
18 designed to create and maintain safe, disciplined, and
19 drug-free environments;
20 "(iv) school readiness and family
21 involvement activities;
22 "(v) improvements to classroom
23 management and school environment, such as efforts to
24 reduce class size or improve classroom discipline;

1 "(vi) procedures to identify and
2 intervene with troubled students, including establishing
3 linkages with, and referring students to, juvenile justice,
4 community mental health, and other service providers;
5 "(vii) activities that connect
6 students to responsible adults in the community, including
7 activities such as after-school or mentoring programs; and
8 "(viii) a crisis management plan for
9 responding to violent or traumatic incidents on school
10 grounds, which provides for addressing the needs of
11 victims, and communicating with parents, the media, law
12 enforcement officials, and mental health service providers.
13 "(5) Each applicant for a subgrant under section
14 4115(c) shall also include in its application--
15 "(A) a description of how the services and
16 activities to be supported will be coordinated with
17 relevant programs under this part that are supported by
18 State educational agencies, including how recipients will
19 share resources, services, and data;
20 "(B) a description of how the applicant
21 will coordinate its activities under this part with those
22 implemented under the Drug-Free Communities Act, if any;
23 and

1 "(C)(i) an assurance that it will evaluate
2 its program every two years to assess its progress toward
3 meeting its goals and objectives, and will use the results
4 of its evaluation to improve its program and refine its
5 goals and objectives as needed, if the applicant is not a
6 local educational agency; or

7 "(ii) the assurances under paragraph
8 (4) if the applicant is a local educational agency.

9 "(b) REVIEW OF APPLICATION. To review applications
10 under this section—

11 "(1) State educational agencies shall use a peer
12 review process; and

13 "(2) Governors may use a peer review process or
14 other methods that ensure that applications are funded on
15 the basis of need and quality.

16

17 "NATIONAL EVALUATIONS AND DATA COLLECTIONS

18 "SEC. 4117. (a) NATIONAL EVALUATIONS. —(1) The
19 Secretary shall provide for periodic national evaluations,
20 at least every two years, of the quality and impact of
21 programs under this title and other programs designed to
22 prevent drugs and violence in schools and submit a report
23 of the findings of such evaluations to the President and
24 Congress.

1 "(2)(A) The National Center for Education
2 Statistics shall collect data to determine the frequency,
3 seriousness, and incidence of violence in elementary and
4 secondary schools in the States. The Secretary shall
5 collect the data using, wherever appropriate, data
6 submitted by the States pursuant to subsection (b)(1)(B).
7 "(B) The Secretary shall report to Congress
8 on the data collected under this paragraph, together with
9 such recommendations as the Secretary determines
10 appropriate.
11 "(3) The Secretary of Education and the Attorney
12 General shall publish annual reports on school safety.
13 "(b) STATE REPORTS. -(1) The Governor and State
14 educational agency of each State shall annually report to
15 the Secretary, in such form as the Secretary may require,
16 on the State's progress toward attaining its performance
17 indicators, required under section 4112(a)(1)(c)(ii), for
18 achieving drug-free, safe, and orderly learning
19 environments in its schools. Annual reports shall--
20 "(A) be based on the State's ongoing
21 evaluation activities;
22 "(B) include data on the prevalence and
23 incidence of drug use and violence by youth in schools and
24 communities;

1 "(C) address the implementation and
2 outcomes of State and local programs under this part, as
3 well as their effectiveness; and
4 "(D) be made readily available to the
5 public.
6 "(2) Each State shall report to the Secretary,
7 in such form as the Secretary, in consultation with the
8 Secretary of Health and Human services, may require, all
9 school-related suicides and homicides within the State
10 within 30 days of the incident.
11 "(c) LOCAL REPORTS. -(1)(A) Each local educational
12 agency that receives a subgrant under section 4113(c)(2) or
13 section 4113(c)(3) shall report annually to the State
14 educational agency and the public on--
15 "(i) the local educational agency's
16 progress toward meeting its results-based performance
17 indicators for its program;
18 "(ii) the results of its on-going
19 evaluation of its program; and
20 "(iii) any problems the local
21 educational agency has encountered in implementing its
22 program that warrant the provision of technical assistance
23 by the State educational agency.

1 "(B) The State educational agency shall
2 review the annual reports described under paragraph (1) and
3 shall not provide funding for the second or third year of a
4 local educational agency's program unless it determines
5 that the local educational agency is making reasonable
6 progress toward meeting its objectives.

7 "(2)(A) Each recipient of funds under section
8 4115(c) shall report annually to the Governor and to the
9 public on—

10 "(i) its progress toward meeting its
11 results-based performance measures for its program;

12 "(ii) the results of its on-going
13 evaluation of its program; and

14 "(iii) any problems it encountered in
15 implementing its program that warrant the provision of
16 technical assistance by the Governor.

17 "(B) The Governor shall review the annual
18 reports described under subparagraph (A), and shall not
19 provide funding for subsequent years of a multi-year
20 program unless the Governor determines that the recipient
21 is making reasonable progress toward meeting its
22 objectives.

1 "PART B - NATIONAL PROGRAMS

2

3 "NATIONAL ACTIVITIES

4 "SEC. 4211. (a) PROGRAM AUTHORIZED. From funds

5 appropriated to carry out this part for each fiscal year

6 under section 4004(2), the Secretary shall carry out-

7 "(1) programs designed to promote drug-free,

8 safe, and orderly learning environments for students at all

9 educational levels, from preschool through the

10 postsecondary level; and

11 "(2) programs for such students that promote

12 lifelong physical activity.

13 "(b) DRUG-FREE, SAFE, AND ORDERLY LEARNING

14 ENVIRONMENTS .-(1) The Secretary may carry out the programs

15 described in subsection (a)(1) directly, or through grants,

16 contracts, or cooperative agreements with public and

17 private agencies, organizations, and individuals, or

18 through agreements with other Federal agencies, and shall

19 coordinate with other Federal agencies, as appropriate.

20 "(2) Programs under this subsection may include,

21 but are not limited to-

22 "(A) one or more centers to provide

23 training and technical assistance for teachers, school

24 administrators and staff, and others on the identification

1 and implementation of effective strategies to promote safe,
2 orderly, and drug-free learning environments;

3 "(B) programs to train teachers in
4 innovative techniques and strategies of effective drug and
5 violence prevention;

6 "(C) research and demonstration projects to
7 test innovative approaches to drug and violence prevention;

8 "(D) evaluations of the effectiveness of
9 programs funded under this title, or other programs
10 designed to create safe, disciplined, and drug-free
11 environments;

12 "(E) direct services and technical
13 assistance to schools and school systems, including those
14 afflicted with especially severe drug and violence
15 problems;

16 "(F) developing and disseminating drug and
17 violence prevention materials and information in print,
18 audiovisual, or electronic format, including information
19 about effective research-based programs, policies,
20 practices, strategies, and curriculum and other relevant
21 materials to support drug and violence prevention
22 education;

23 "(G) recruiting, hiring, and training
24 program coordinators to assist school districts in

1 implementing high-quality, effective, research-based drug
2 and violence prevention programs;

3 "(H) the development and provision of
4 education and training programs, curricula, instructional
5 materials, and professional training for preventing and
6 reducing the incidence of crimes or conflicts motivated by
7 bullying, hate, prejudice, intolerance, or sexual
8 harassment and abuse;

9 "(I) programs for youth who are out of the
10 education mainstream, including school dropouts, students
11 who have been suspended or expelled from their regular
12 education program, and runaway or homeless children and
13 youth;

14 "(J) programs implemented in conjunction
15 with other Federal agencies that support local educational
16 agencies and communities in developing and implementing
17 comprehensive programs that create safe, disciplined, and
18 drug-free learning environments and promote healthy
19 childhood development;

20 "(K) services and activities that reduce
21 the need for suspension and expulsion in maintaining
22 classroom order and discipline;

23 "(L) services and activities to prevent and
24 reduce truancy;

1 "(M) programs to provide counseling
2 services to troubled youth, including support for the
3 recruitment and hiring of counselors and the operation of
4 telephone help lines; and

5 "(N) other activities that meet emerging or
6 unmet national needs consistent with the purposes of this
7 title.

8 "(c) LIFELONG PHYSICAL ACTIVITY PROGRAMS. -(1) The
9 Secretary may carry out the programs described in
10 subsection (a)(2) directly, or through grants, contracts,
11 or cooperative agreements with public and private agencies,
12 organizations, and individuals, or through agreements with
13 other Federal agencies, and shall coordinate with the
14 Centers for Disease Control and Prevention, the President's
15 Council on Physical Fitness, and other Federal agencies, as
16 appropriate.

17 "(2) Programs under this subsection may include,
18 but are not limited to-

19 "(A) the conduct of demonstrations of
20 school-based programs that promote lifelong physical
21 activity, with a particular emphasis on physical education
22 programs that are part of coordinated school health
23 programs, that promote healthy, drug-free lifestyles;

1 "(B) training, technical assistance, and
2 other activities to encourage States and local educational
3 agencies to implement sound school-based programs that
4 promote lifelong physical activity and healthy lifestyles;
5 and

6 "(C) activities designed to build State
7 capacity to provide leadership and strengthen schools'
8 capabilities to provide school-based programs that promote
9 lifelong physical activity and healthy lifestyles.

10 "(d) PEER REVIEW. The Secretary shall use a peer
11 review process in reviewing applications for funds under
12 this section.

1 "PART C - SCHOOL EMERGENCY RESPONSE TO VIOLENCE

2

3 "PROJECT SERV

4 "SEC. 4311. (a) PROJECT SERV. -(1) From funds
5 appropriated to carry out this part for each fiscal year
6 under section 4004(3), the Secretary is authorized to carry
7 out a program of providing education-related services to
8 local educational agencies in which the learning
9 environment has been disrupted due to a violent or
10 traumatic crisis, such as a shooting or major accident.
11 Such program may be referred to as 'Project SERV.'

12 "(2) The Secretary may carry out Project SERV
13 directly, or through grants, contracts, or cooperative
14 agreements with public and private organizations, agencies,
15 and individuals, or through agreements with other Federal
16 agencies.

17 "(b) AUTHORIZED ACTIVITIES. -(1) Project SERV may
18 provide-

19 "(A) assistance to school personnel in
20 assessing a crisis situation, including-

21 "(i) assessing the resources available
22 to the local educational agency and community to respond to
23 the situation; and

24 "(ii) developing a response plan to

1 coordinate services provided at the Federal, State, and
2 local level;

3 "(B) mental health crisis counseling to
4 students and their families, teachers, and others in need
5 of such services;

6 "(C) increased school security;

7 "(D) training and technical assistance for
8 State and local educational agencies, State and local
9 mental health agencies, State and local law enforcement
10 agencies, and communities to enhance their capacity to
11 develop and implement crisis intervention plans;

12 "(E) services and activities designed to
13 identify and disseminate the best practices of school- and
14 community-related plans for responding to crises; and

15 "(F) other needed services and activities
16 that are consistent with the purposes of this part.

17 "(2) The Secretary, in consultation with the
18 Attorney General, the Secretary of Health and Human
19 Services, and the Director of the Federal Emergency
20 Management Agency—

21 "(A) shall establish such criteria and
22 application requirements as may be needed to select which
23 local educational agencies are assisted under this part;
24 and

1 "(B) may establish such reporting
2 requirements as may be needed to collect uniform data and
3 other information from all local educational agencies
4 assisted under this part.

5 "(c) COORDINATING COMMITTEE. -(1) There shall be
6 established a Federal coordinating committee on school
7 crises comprised of the Secretary, the Attorney General,
8 the Secretary of Health and Human Services, the Director of
9 the Federal Emergency Management Agency, the Director of
10 the Office of National Drug Control Policy, and such other
11 members as the Secretary shall determine. The Secretary
12 shall serve as chair of the Committee.

13 "(2) The Committee shall coordinate the Federal
14 responses to crises that occur in schools or directly
15 affect the learning environment in schools.

1 "PART D - RELATED PROVISIONS

2

3 "GUN-FREE SCHOOLS ACT

4 "SEC. 4411. (a) SHORT TITLE. This section may be
5 cited as the 'Gun-Free Schools Act.'

6 "(b) REQUIREMENTS. -(1) Each State receiving Federal
7 funds under the Elementary and Secondary Education Act of
8 1965 shall have in effect a State law requiring local
9 educational agencies to expel from school, for a period of
10 not less than one year, a student who is determined to have
11 possessed a firearm at school under the jurisdiction of a
12 local educational agency in that State, except that such
13 State law shall allow the chief administering officer of
14 that local educational agency to modify the expulsion
15 requirement for a student on a case-by-case basis.

16 "(2) For the purpose of this section, the term
17 'firearm' has the same meaning given that term in section
18 921 of title 18, United States Code (which includes bombs).

19 "(c) SPECIAL RULE. This section shall be construed
20 in a manner consistent with the Individuals with
21 Disabilities Education Act.

22 "(d) REPORT TO STATE. Each local educational agency
23 requesting assistance from the State educational agency

1 under this Act shall provide to the State in its
2 application—
3 "(1) an assurance that such local educational
4 agency is in compliance with the State law required by
5 subsection (b);
6 "(2) a description of the circumstances
7 surrounding any expulsions imposed under the State law
8 required by subsection (b), including—
9 "(A) the name of the school concerned;
10 "(B) the number of students expelled from
11 such school (disaggregated by gender, race, ethnicity, and
12 educational level); and
13 "(C) the type of weapons concerned; and
14 "(3) the number of—
15 "(A) students referred to the criminal
16 justice or juvenile justice system as required in section
17 4412(a)(1); and
18 "(B) instances in which the chief
19 administering officer of a local educational agency
20 modified the expulsion requirement described in subsection
21 (b)(1) on a case-by-case basis.
22 "(e) REPORTING. Each State shall report the
23 information described in subsection (d) to the Secretary on
24 an annual basis.

1 "LOCAL POLICIES

2 "SEC. 4412. (a) REQUIRED POLICIES. No funds shall be
3 made available under the Elementary and Secondary Education
4 Act of 1965 to any local educational agency unless that
5 agency has a policy ensuring--

6 "(1) that any student who possesses a firearm at
7 school served by such agency is referred to the criminal
8 justice or juvenile justice system;

9 "(2) that a student described in paragraph (1)
10 is referred to a mental health professional for assessment
11 as to whether he or she poses an imminent threat of harm to
12 himself, herself, or others and needs appropriate mental
13 health services before readmission to school; and

14 "(3) that a student under paragraph (1) who has
15 been determined by a mental health profession to pose an
16 imminent threat of harm to himself, herself, or others
17 receive, in addition to appropriate services under section
18 11206(9) of this Act, appropriate mental health services
19 before being permitted to return to school.

20 "(b) SPECIAL RULE. This section shall be construed
21 in a manner consistent with the Individuals with
22 Disabilities Education Act.

23 "(c) DEFINITIONS. For the purposes of this section,
24 the terms 'firearm' and 'school' have the same meaning

1 given those terms in section 921(a) of title 18, United
2 States Code.

3 "MATERIALS

4 "SEC. 4413. (a) 'WRONG AND HARMFUL MESSAGE'. Drug
5 prevention programs supported under this title shall convey
6 a clear and consistent message that the illegal use of
7 alcohol and other drugs is wrong and harmful.

8 "(b) CURRICULUM. The Secretary shall not prescribe
9 the use of particular curricula for programs under this
10 title, but may evaluate and disseminate information about
11 the effectiveness of such curricula and programs.

12

13 "PROHIBITED USES OF FUNDS

14 "SEC. 4414. PROHIBITED USES. No funds under this
15 title may be used for—

16 "(1) construction (except for minor remodeling
17 needed to accomplish the purposes of this part); and

18 "(2) medical services or drug treatment or
19 rehabilitation, except for pupil services or referral to
20 treatment for students who are victims of, or witnesses to,
21 crime or who use alcohol, tobacco, or drugs.

1 "DRUG-FREE, ALCOHOL-FREE, and TOBACCO-FREE SCHOOLS

2 "SEC. 4415. (a) REQUIRED POLICY. Each State
3 educational agency and local educational agency that
4 receives funds under this title shall have a policy that
5 prohibits the possession or use of tobacco, and the illegal
6 possession or use of drugs and alcohol, in any form, at any
7 time, and by any person, in school buildings, on school
8 grounds, or at any school-sponsored event.

9 "(b) ASSURANCE. Each local educational agency
10 requesting assistance under this title from the State
11 educational agency shall include in its application an
12 assurance that it is in compliance with the requirements of
13 this section.

14 "(c) STATE REPORTING. Each State educational agency
15 shall report to the Secretary on an annual basis if any
16 local educational agency is not in compliance with the
17 requirements of subsection (a).

18

19 "PROHIBITION ON SUPPLANTING

20 "SEC. 4416. SUPPLANTING PROHIBITED. Funds under this
21 title shall be used to increase the level of State, local,
22 and other non-Federal funds that would, in the absence of
23 funds under this title, be made available for programs and
24 activities authorized under this title, and in no case to

1 supplant such State, local, and other non-Federal funds.

2

3 "DEFINITIONS OF TERMS

4 "SEC. 4417. DEFINITIONS. As used in this title—

5 "(1) the term 'drug and violence prevention'

6 means—

7 "(A) with respect to drugs, prevention,
8 early intervention, rehabilitation, referral, or education
9 related to the illegal use of alcohol and the use of
10 controlled, illegal, addictive, or harmful substances,
11 including inhalants and anabolic steroids;

12 "(B) prevention, early intervention,
13 smoking cessation activities, or education related to the
14 use of tobacco by children and youth eligible for services
15 under this title; and

16 "(C) with respect to violence, the
17 promotion of school safety, such that students and school
18 personnel are free from violent and disruptive acts,
19 including sexual harassment and abuse and victimization
20 associated with prejudice and intolerance, on school
21 premises, going to and from school, and at school-sponsored
22 activities, through the creation and maintenance of a
23 school environment that is free of weapons and fosters

1 individual responsibility and respect for the rights of
2 others;

3 "(2) the terms 'drug treatment' and 'drug
4 rehabilitation' include activities to assist regular users
5 of drugs to become drug-free, but do not include
6 alternative education programs for students expelled from
7 school, student assistance programs, or programs to help
8 students who have been expelled to re-enter and succeed in
9 their regular education program;

10 "(3) the term 'hate crime' means a crime
11 described in section 1(b) of the Hate Crime Statistics Act
12 of 1990; and

13 "(4) the term 'medical services' includes, but
14 is not limited to, the diagnosis and treatment of disease,
15 illness, or injury, but does not include assessments by
16 mental health professionals to determine whether a student
17 poses an imminent threat of harm to himself or others."